

REMARKS

Claims 1-8, 10-17, and 19-27 are pending in this application, with Claims 1, 2, 10, 11, 19, 20, 21 and 27 being the independent claims.

Claims 28-33 have been cancelled without prejudice to or disclaimer of the subject matter presented therein.

Claims 1, 2, 10, 11, 19-21, and 27 have been amended. Applicant submits that support for these amendments can be found in the original disclosure, and therefore no new matter has been added.

Claims 1, 3-6, 10, 12-15, and 19 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0011684 A1 (Narayanaswami et al.). Applicant respectfully traverses this rejection for the reasons discussed below.

As recited in independent Claim 1, the present invention includes, *inter alia*, the features of (i) manually selecting one of a plurality of image sensing modes and (ii) automatically deciding, in accordance with the manually selected image sensing mode, one of a plurality of embedding modes to be used in an embedding means, each of the plurality of embedding modes having different robustness from each other. Applicant submits that the cited art fails to disclose or suggest at least these features.

The Examiner cites Fig. 1 and paragraphs 0042-0043 of the reference as allegedly disclosing selecting one of a plurality of image sensing modes and deciding an embedding mode in accordance with the manually selected image sensing mode. In that document, however, the watermark processor merely performs embedding of a watermark in the image with the user-specified parameters. That document does not disclose or suggest deciding one of a plurality of embedding modes to be used, where each of the plurality of

embedding modes have different robustness from each other. Moreover, in Narayanaswami, selection of the image sensing mode and the specifying of parameters to be embedded is performed according to a user's manual instruction using a user interface. Therefore, that reference also fails to disclose or suggest at least the feature of *automatically* deciding, in accordance with a manually selected image sensing mode, one of a plurality of embedding modes to be used. Applicant submits that the cited art fails to disclose or suggest at least these features.

For the foregoing reasons, Applicant submits that Claim 1 is patentable over the cited art. Independent Claims 10 and 19 recite similar features and are believed patentable for similar reasons.

Claims 2, 11, 20, 29, 32 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,862,218 (Steinberg). Applicant respectfully traverses this rejection for the following reasons.

As recited in independent Claim 2, the present invention includes, among others, the features of (i) manually selecting one of a plurality of embedding modes, each of the plurality of embedding modes having different robustness from each other and (ii) automatically deciding an image sensing mode in accordance with the manually selected embedding mode.

The Examiner asserts that Steinberg discloses means for deciding an image sensing mode in accordance with a manually selected embedding mode at col. 5, lines 1-20 and 38-67. However, the portion of that reference cited by the Examiner is concerned with processing for embedding a mark rather than a sensing process of an image sensing mode, such as fine, standard or economy mode as used for example in the present invention of

Claim 2. Accordingly, Applicant submits that Steinberg does not disclose or suggest at least the above-mentioned features, and therefore Claim 2 is patentable over Steinberg.

Independent Claims 11 and 20 recite similar features and are believed patentable for similar reasons.

Claims 7, 8, 16, 17, 21, 22, 24, 26-28, 30, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Narayanaswami et al. and U.S. Patent Application Publication No. US 2002/0080997 A1 (Rhoads et al.). Applicant respectfully traverses this rejection.

As recited in independent Claim 21, the present invention includes, among others, the feature of automatically determining, in accordance with an image sensing mode selected manually, whether to activate embedding means. In other words, whether to perform embedding processing is controlled in accordance with which image sensing mode is selected. Applicant submits that the cited art fails to disclose or suggest at least this feature. Rhoads et al. merely discloses a user interface that allows the user to instruct the system whether or not to embed data (see paragraph 17), and Narayanaswami also does not disclose or suggest this feature of automatically determining whether to activate embedding means. Therefore, Claim 21 is believed patentable over the art of record.

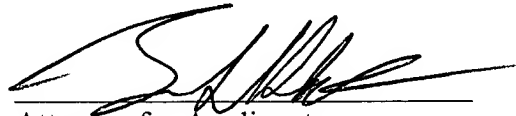
Claim 27 recites a similar feature and is believed patentable for reasons similar to Claim 21.

The dependent claims are patentable for at least the same reasons as the respective independent claims, as well as for the additional features they recite.

In view of the above amendments and remarks, the claims are believed to be in allowable form. Therefore, withdrawal of the rejections and early passage to issue are respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', is written over a horizontal line.

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